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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

~~CR '11 - 1491 - SI~~

**SUZANNE RIOS,**

Plaintiff,

vs.

**ASSET ACCEPTANCE, LLC,**

Defendant.

Case No.: Correct Case# CV 11-1491-SI

**COMPLAINT;**

FAIR DEBT COLLECTION PRACTICES  
ACT (15 USC § 1692a, *et seq.*);

DEMAND FOR JURY TRIAL

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

**II. JURISDICTION**

2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 USC § 1331.

**III. PARTIES**

3. Plaintiff, Suzanne Rios ("Plaintiff"), is a natural person residing in Clackamas County, Oregon.

#44307

4. Defendant, Asset Acceptance, LLC, (“Defendant”) is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant regularly attempts to collect debts alleged due another.

#### **IV. FACTUAL ALLEGATIONS**

5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

7. All activities of Defendant set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 USC § 1692a(5).

8. Within the last year, Defendant took multiple actions in an attempt to collect a debt from Plaintiff. Defendant’s conduct violated the FDCPA in multiple ways, including the following.

9. Falsely representing the character, amount, or legal status of Plaintiff’s debt, including failing to acknowledge Plaintiff’s multiple notices that she does not owe the debt Defendant is collecting and continuing to take action to collect the debt from her. Since at least September, 2010, Defendant has been attempting to collect from Plaintiff two debts allegedly originally owed by Plaintiff to World Financial Network National Bank. Plaintiff has made Defendant aware by telephone that this debt was incurred by an individual who stole her identity and Plaintiff does not owe this debt. Plaintiff explained in detail to Defendant that her identity has been stolen and by whom she believed it was stolen, but Defendant did not take action to verify this information, but instead has

continued to collect the debt (§ 1692e(2)(A)).

10. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

11. Defendant intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

12. Defendant's actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

13. To the extent Defendant's actions, detailed in paragraphs above, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

#### **COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

14. Plaintiff reincorporates by reference all of the preceding paragraphs.

15. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendant for violations of the FDCPA, §§ 1692e.

#### **PRAYER FOR RELIEF**

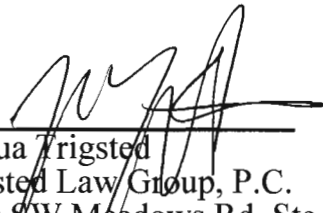
WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages pursuant to 15 USC 1692k;

- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Dated this 8<sup>th</sup> day of December, 2011.

By:   
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